

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to child abuse and dependent adult abuse mandatory reporter training**

The Board of Massage Therapy hereby amends Chapter 131, “Licensure of Massage Therapists,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 232.69, 235B.16 and 272C.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that licensees who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16. This rule making also updates subrule 131.8(4) to remove a reference to a rescinded rule provision.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 23, 2019, as **ARC 4726C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 4992C**. No public comments were received. No changes from the Amended Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on June 2, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on August 19, 2020.

The following rule-making action is adopted:

Amend subrule 131.8(4) as follows:

**131.8(4)** Mandatory reporter training requirements.

~~a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting, as required by Iowa Code section 232.69(3) "b," in the previous five three years or condition(s) for waiver of this requirement as identified in paragraph "c." if:~~

(1) In the scope of professional practice or in the licensee's professional employment responsibilities, the licensee examines, attends, counsels, or treats a child; and

(2) The licensee is employed in any of the following settings:

1. A residential care facility;
2. A nursing facility;
3. An intermediate care facility for persons with mental illness;
4. An intermediate care facility for persons with an intellectual disability;
5. A school;
6. A child care center, registered child development home, or head start program;
7. A substance abuse program or facility licensed by the Iowa department of public health;
8. The Glenwood state resource center, Woodward state resource center, mental health institute in Cherokee, mental health institute in Independence, state training school, or Iowa juvenile home;
9. A juvenile detention center or juvenile shelter care facility;
10. A foster care facility; or
11. A mental health center.

~~b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting, as required by Iowa Code section 235B.16(5) "b," in the previous five three years or condition(s) for waiver of this requirement as identified in paragraph "c." if:~~

(1) In the course of employment, the licensee examines, attends, counsels, or treats a dependent adult; and

(2) The licensee is employed in any of the following settings:

1. A residential care facility;
2. A nursing facility;
3. An intermediate care facility for persons with mental illness;
4. An intermediate care facility for persons with an intellectual disability;
5. A hospital;
6. An elder group home, as defined in Iowa Code section 231B.1(3);
7. An assisted living program certified under Iowa Code section 231C.3;
8. An adult day services program, as defined in Iowa Code section 231D.1(1);
9. A community mental health center; or
10. A supported community living service, sheltered workshop, or work activity center.

~~c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "c."~~

~~Training may be completed through separate courses as identified in paragraphs “a” and “b” or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

*d.* The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs 131.8(4) “a” to “c,” including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

- (1) Is engaged in active duty in the military service of this state or the United States; or
- (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 133 rule 645—4.14(272C).~~

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs 131.8(4) “a” to “e.”

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/15/20.